

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DELUX PUBLIC CHARTER, LLC  
d/b/a JSX AIR and JETSUITEX, INC.;

XO GLOBAL, LLC; and

BLADE URBAN AIR MOBILITY, INC.,

Plaintiffs,

-against -

COUNTY OF WESTCHESTER,

Defendant.

**DEFENDANT COUNTY  
OF WESTCHESTER'S  
NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

Civil Action No.  
22-cv-01930 (PMH)

**PLEASE TAKE NOTICE** that upon the Declaration of Sean T. Carey, with exhibits thereto; the joint statement of all parties made pursuant to Local Rule 56.1 of the Rules of the Southern District of New York, filed May 5, 2023 (CM/ECF Doc. No. 93); the accompanying Memorandum of Law; the prior pleadings hereto; and the prior proceedings had herein, defendant County of Westchester ("Defendant"), by John M. Nonna, Westchester County Attorney, through Sean T. Carey, Associate County Attorney, of Counsel, will move this Court on November 30, 2023, before the Honorable Philip M. Halpern, United States District Judge, Southern District of New York, at The Hon. Charles L. Briant Jr. Federal Building and Courthouse, 300 Quarrapos Street, White Plains, NY 10601, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing the Complaint as against Defendant with prejudice, granting Defendant's first counterclaim seeking a declaratory judgment, and for such other relief as this Court deems just and proper.

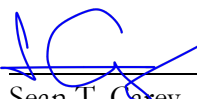
**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's order issued in open court on June 29, 2023, and reduced to a minute entry proceeding later that same day (*see* CM/ECF Minute Entry of 06/29/2023 (No Document)), (i) Plaintiffs' opposition to the instant motion shall be served, not filed, on or before October 31, 2023; (ii) Defendant's reply shall be served on or before

November 30, 2023; and (iii) after Defendant's reply is served—but in no event, no later than November 30, 2023—all papers related to this motion shall be filed to CM/ECF.

**PLEASE TAKE FURTHER NOTICE** that failure to respond to this motion may result in dismissal of the Complaint and termination of this action.

DATED: White Plains, New York  
August 31, 2023

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By   
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